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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 003097

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SUBJECT: BOUCHER STRESSES PARLIAMENT'S OVERSIGHT ROLE

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

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11. (C) During November 16 discussions with Speaker of the House of Representatives Subash Nemwang, Assistant Secretary for South and Central Asian Affairs Richard Boucher, accompanied by the Ambassador, stressed the important role Parliament must play in overseeing Nepal's democratic transition. Nemwang expressed confidence that the Parliament would be ready for the November 26 deadline for formation of an Interim Parliament. He said many procedural issues, including nomination procedures for new members and decisions on which parties would hold leadership slots in Parliament, would only be resolved by the Comprehensive Peace Accord. Nemwang said the Constituent Assembly would, in addition to drafting the new constitution, handle the day-to-day business of lawmaking in Nepal.

Nemwang Says Parliament Can Meet November 26 Deadline

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12. (C) When asked by Assistant Secretary Boucher whether Parliament would be able to meet the ambitious November 26 deadline for formation of an interim parliament set by the November 8 Agreement between the Seven-Party Alliance and the Maoists, Nemwang said the Parliament would be ready to accept the new members. The challenge, he said, would be whether the cantonment process for Maoist combatants, a necessary precursor to formation of an interim legislature, would occur in time. Progress on arms management, Nemwang said, would dictate the timeline.

Procedures on Hold for Parliament

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13. (C) Nemwang said the procedures for the Interim Parliament, including rules for nomination of new members and choosing parliamentary leadership, had to be defined in the Comprehensive Peace Accord and the terms of the Interim Constitution. Boucher asked Nemwang if he would remain Speaker of the House. Nemwang said that discussion on leadership of the Interim Parliament had not begun. He said the Interim Constitution first had to be passed, an Interim

Parliament nominated, and then new procedures would be put in place for committee membership and parliamentary leadership.

¶4. (C) The Ambassador asked whether the new nomination process would empower under-represented groups such as women and Dalits. Nemwang, one of the most senior ethnic minorities in a mainstream political party, replied that it might, but only if the process were defined clearly in the Accord and Interim Constitution. Otherwise, he thought, the parties would continue their old ways.

#### Concern Regarding Maoist Entry into Parliament

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¶5. (C) Nemwang said the Maoists had the advantage in putting forth representatives for the Interim Parliament. Because the current House of Representatives and National Assembly would roll into the Interim Parliament, the political parties would only nominate a handful of new members (of the 48 dictated in the November 8 agreement to be nominated from representatives from civil society and professional organizations). In contrast, the Maoists would have 73 of their own new slots to fill in addition to their share of the 48. Nemwang thought the Maoists would use these slots to show their continued devotion to their "inclusive" ideals -- nominating women, Dalits and intellectuals, and even former People's Liberation Army fighters. Boucher noted the challenge Maoists would face because they had almost no parliamentary experience; Nemwang concurred with this concern.

¶6. (C) Assistant Secretary Boucher asked whether the Maoists would seek parliamentary leadership -- chairs of the

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nine permanent parliamentary committees. Again, Nemwang said, rules of procedure had not been determined. However, he thought Maoists would likely seek a similar number of chairs as each of the three main parties. Boucher described the potential check on power that could be achieved if interim ministerial slots were balanced with the relevant committee chairmanship (e.g., if the Minister of Education were a Maoist and the Chairman of the Education Committee were from the Seven-Party Alliance).

#### Constituent Assembly Mandate: Not Just the Constitution

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¶7. (C) Assistant Secretary Boucher asked Nemwang who would be responsible for law-making in Nepal when the Constituent Assembly was convened. He assumed this body would be focused only on developing the constitution and its establishment would result in the dissolution of the Interim Parliament. Nemwang reported that, in fact, the Constituent Assembly would also be responsible for the day-to-day activities of a legislature in addition to drafting the constitution.

#### Parliament's Role in the Peace Deal

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¶8. (C) Nemwang mentioned that many members of Parliament were involved in the current negotiation process and were assisting in the drafting of some of the peace accord provisions. When asked by Boucher if Parliament would "pass" the peace accord as legislation, Nemwang said, "No." The Prime Minister would sign the peace accord on behalf of the entire Government of Nepal.

#### Nemwang Describes Maoist Activity in His District

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¶9. (C) In response to Boucher's questions, Nemwang described as mixed the governance and security situation in his own Ilam District in Eastern Nepal. Nemwang said that, while there had been some progress in re-establishing village offices and police headquarters, many government services did

not exist. He also described a police post that Maoist militia were occupying.

¶10. (C) Nemwang expressed concern regarding the cantonment site configuration within his district. The Maoists had initially proposed primary division-level cantonment sites surrounded by two to three nearby satellite, or brigade-level camps. Nemwang lamented that satellite sites in his district actually proposed by the Maoists were three to four-days drive from the main division cantonment. He said that this did not bode well for Maoist adherence to their arms management agreements.

Arms Management: Militia vs. People's Liberation Army  
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¶11. (C) Assistant Secretary Boucher asked Nemwang whether the Maoist militia would also go into cantonments under the current arms management scheme. Nemwang said the language in the November 8 agreement explicitly used the general term "combatant," to mean both People's Liberation Army and militia. (Note: We heard from Ian Martin's political advisor on November 13 that the militia were not an official part of the cantonment process but were still expected to turn in their arms. End Note.) Nemwang said that the armed militia were still operating freely across the countryside and posed a threat to the movement and activities of political parties at the local level. Nemwang said his optimism about a successful outcome of the peace process depended on whether the SPA, Maoists, and UN could implement the arms arrangement strictly, so that the holding of arms was deemed illegal and punishable.

Comment  
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¶12. (C) While Nemwang seemed optimistic that Parliament

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will be ready to accept new members by November 26, many details remain to be sorted out. The Comprehensive Peace Accord was signed on November 21, but cantonment of Maoist combatants and their weapons must be completed before the as-yet-unsigned draft Interim Constitution goes into effect and the Interim Parliament is formed. We have seen no concrete indicators as to what role the Maoists in the Interim Parliament (roughly 25 percent of the members) will play.

¶13. (U) Assistant Secretary Boucher has cleared this cable.  
MORIARTY